

Subpart D—Removals From Eligibility List

Subpart E—Voting Complaint

§ 801.401 Scope.

The subpart prescribes the bases and procedures for removals from eligibility lists under the Act.

§ 801.501 Scope.

This subpart prescribes the procedure for filing and processing a complaint under the Act that a person was not permitted to vote.

§ 801.402 Bases for removals.

An examiner shall remove the name of a person from an eligibility list:

- (a) Pursuant to the instruction of a hearing officer under § 801.316;
- (b) Pursuant to the order of a court having jurisdiction under the Act;
- (c) When the examiner determines that the listed person has lost his eligibility to vote under State law not inconsistent with the Constitution and the laws of the United States and in accordance with the instructions concerning loss of eligibility to vote prescribed by the OPM after consultation with the Attorney General which shall be set out in appendix D to this part and incorporated in and made a part of this section.

§ 801.502 Making a complaint.

A person who has been listed on an eligibility list or registered by an appropriate election official and who is eligible to vote but has not been permitted to vote may make a complaint regarding that denial to an examiner for the political subdivision where the denial occurred. The complaint may be either oral or in writing and must be made within 48 hours after the closing of the polls.

§ 801.403 Procedure for removals determined by examiners.

An examiner may remove the name of a listed person as authorized by § 801.402(c) only after:

- (a) Giving the person a notice of the proposed removal of his name stating the reason why the removal is proposed and offering the person an opportunity to answer the notice of proposed removal in person or in writing or both within ten days after his receipt of that notice; and
- (b) Considering all available evidence concerning the person's loss of eligibility to vote, including any timely answer submitted by the person.

§ 801.503 Processing a complaint.

The examiner to whom a complaint is made shall promptly ascertain whether the complaint is well founded. If the examiner determines the complaint is not well founded he shall notify the person who complained of his determination and take no further action on the complaint. If the examiner determines that the complaint is well founded the examiner shall notify the person and the Attorney General of his determination and of the reason for that determination and furnish the Attorney General with any papers or evidence relating to the complaint.

APPENDIX A TO PART 801

This appendix sets out the dates, times, and places designated by the OPM for filing an application in each political subdivision, and sets out the forms of application prescribed by the OPM.

DATES, TIMES, AND PLACES FOR FILING

Offices at which applications may be filed will be open in each State in the county or parish and at the place set forth in this appendix beginning on the date specified and continuing thereafter until a closing date is given. Each office will be open Monday through Saturday (except on a legal holiday) between the hours of 8:30 a.m. and 4:30 p.m., except that the OPM may change the hours and days on which any office will be open for filing applications by posting advance notice of the change at the place set forth in this appendix.

§ 801.404 Notification of removals.

When an examiner removes the name of a person from an eligibility list he shall notify the person, the appropriate election officials, the Attorney General, and the attorney general of the State of that removal and the reason therefor.